

CITY OF NEWBERG CITY COUNCIL MINUTES
NOVEMBER 15, 2010
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM
401 EAST THIRD STREET

Work Session was held prior to the meeting. A presentation was given by the sixth grade class of Mountainview Middle School and general discussion occurred. No decisions were made.

I. CALL MEETING TO ORDER

Mayor Bob Andrews called the meeting to order at 7:04 PM.

II. ROLL CALL

Members

Present:	Mayor Bob Andrews	Denise Bacon	Ryan Howard
	Stephen McKinney	Bart Rierson	Marc Shelton
	Wade Witherspoon		

Staff

Present:	Daniel Danicic, City Manager	Terrence Mahr, City Attorney
	Barton Brierley, Planning and Building Director	Norma Alley, City Recorder
	David Beam, Economic Development Coordinator	Jennifer Nelson, Recording Secretary

Others

Present: Mike Ragsdale, Sid Friedman, Rob Felton, and John Bridges

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Mr. Daniel Danicic, City Manager, announced the Christmas tree lighting at the library to be held on December 2, 2010. He also reminded Council to RSVP for the City County Dinner in McMinnville which is scheduled for the same evening. He said numbers were down for the annual Turkey Carnival last week and spoke of the upcoming introduction and book signing of the book on the history of Newberg to be held on December 2, 2010, at the public library.

V. PUBLIC COMMENTS

Mr. Mike Ragsdale, Newberg Downtown Coalition (NDC), presented a status update on the Project For Public Spaces. A draft of the final product was received by Council and input from the community was included. Councilors asked for details on some of the items in the draft, but specifics have not been discussed yet.

VI. CONSENT CALENDAR

1. Consider a motion approving **City Council Minutes** for October 18, 2010.

<p>MOTION: Shelton/Rierson approving the Consent Calendar including the City Council Minutes for October 18, 2010, as amended. (7 Yes/0 No) Motion carried.</p>

VII. NEW BUSINESS

1. Update on the Land Use Board of Appeals Cases.

TIME – 7:16 PM

Mr. Barton Brierley, Planning and Building Director, and Mr. Terrence Mahr, City Attorney, presented the staff report reviewing main issues and reasons from the Land Use Board of Appeals (LUBA) remand, as well as options and next steps in the process. The oral arguments will be held on November 23, 2010, decisions should be given within twenty-one days, but they may ask for extensions.

Mr. Sid Friedman, 1000 Friends of Oregon, stated his group characterizes the LUBA findings differently than the city and argued there are yet to be any substantive changes made as a result of the remands. He feels the city just keeps trying to explain things differently hoping for a different outcome, rather than making the changes needed to the current plan. He spoke of the city complaining in the local newspapers and suggested they take a look in the mirror with concerns about the process. He spoke of the approval of the Urban Reserve Area (URA) expansion to include some 2,100 acres of land based on studies and assumptions by the city and some by the county that have not been acknowledged by the Land Conservation and Development Commission (LCDC) and LUBA. The dwelling unit calculation is an essential element to move forward and he agrees with the petitioners that it does not seem logical how the city got there; he felt adopting a new population forecast was not enough.

Mr. Brierley stated additional things have happened such as the city adopting an updated economic opportunities analysis, buildable lands inventory, and housing needs analysis, which were all recognized by the state, so significant effort has been made and acknowledged.

Mr. Mahr added the complaining in the newspaper was not from Newberg as it was a number of other cities such as Woodburn, McMinnville, and Bend. The concerns are with cities getting caught in urban reserve amendments, which are taking up to fourteen years to get through the process and predicting they would see the next century before they get out. It is rare that anything but remands are given asking for more information, not substantive changes. A lot of work went into the plan by citizens and staff and decisions were made as a community; the citizens of Newberg seem to be in favor of what is being done and they are the ones participating in the studies.

Councilor Marc Shelton added that Sherwood was also included in the article as well and spoke of the concept in government that sometimes assume the people they are governing are ignorant, but the citizens in this city have a different standing than non-citizens. The citizens of Newberg are smart and they have participated in all steps; the process is hindering the city from working for our locality, not for any other group or special interest.

2. Discussion on rules for public spaces.

TIME – 7:41 PM

Mr. David Beam, Economic Development Coordinator, presented the staff report using a PowerPoint presentation as a visual aide. Staff did not have any recommendations at this time and were looking for direction from Council; approval in a more official format in the code will be seen at a later date (see official meeting record for full report).

Discussions followed on the need to pursue an ordinance, if the original rules for Francis Square were adopted by ordinance, and what pertains to the Chehalem Park and Recreation District (CPRD) since their boundaries extend beyond the city limits.

Mayor Andrews was concerned for creating an ordinance that speaks to the consumption of alcohol without defining what an intoxicant is and spoke of resolutions being the interpretation of the ordinance.

Councilor Witherspoon said he was fine with moving forward on this, but he was not comfortable making decisions without more input. Staff invited representatives from the Newberg Downtown Coalition (NDC) and the Newberg Downtown Revitalization Committee (NDRC) to answer questions.

Mr. Rob Felton, NDC/NDRC, said he supported changing the rules for Francis Square because he wants people to use the space like a café or outdoor seating area, but in the short term it would help participants in the First Friday ARTwalk and other events because the current rules are very restrictive.

Mr. John Bridges, NDRC, said the rules were made but never finalized and many activities that have a positive use of Francis Square are prohibited by the rules. He named some examples of things that have been done in the past and things they would like to have done that all violate the rules.

Discussions followed about the rules for vending alcohol on CPRD property and Oregon Liquor Control Commission (OLCC) permits and insurance being required.

Councilor Howard said he liked the idea of using public spaces to their fullest ability and that it is important to have rules in place to allow those spaces to be used by everyone. He also mentioned banning smoking in parks.

Mayor Andrews again added that intoxicants needs to be clarified further because there are citizens who want public spaces smoke free and citizens that want them alcohol free as well and the rules need to be sensitive to both sides.

Discussions followed about how these issues are handled at the library, clarifying “commission” as the OLCC to not be confused with the Planning Commission or some other body, the effects of rules concerning vending affecting the Farmers’ Market, and the need to come up with an ordinance for the rules, as well as a guideline for implementing the rules.

Mayor Andrews recessed at 8:39 PM and reconvened after the Executive Session.

IX. EXECUTIVE SESSION

Executive Session pursuant to ORS 192.660(2)(e) relating to a real property transaction.

TIME – 8:43 PM

The Executive Session was held out of agenda order. Executive Session was held to discuss real property transaction. No decisions were made. Executive Session ended at 9:15 PM.

VIII. COUNCIL BUSINESS

Discussion of the evaluation process for the municipal judge.

TIME – 9:15 PM

Mr. Mahr discussed the upcoming process for evaluating the municipal judge according to the resolution in place and the differences from the previous process.

Councilor Bart Rierson initiated a discussion on the fatality on Hwy 219 and the City’s need to flex its political muscle with the Oregon Department of Transportation (ODOT) to push for action.

MOTION: Witherspoon/Shelton to ask the City Manager to draft a letter to ODOT expressing the City is not satisfied with the current level of prioritizing of two projects affecting Hwy 219 and they would like to initiate a discussion with ODOT to consider re-prioritizing them.

Councilor Shelton, in addition to the letter, he would like to see the school district included as well since walkers have to cross two highways to go to schools. He would like to see a crosswalk installation set into motion.

Councilor McKinney wished for the County Commissioners to be involved in the discussions as well as other elected representatives.

Councilor Rierson requested that staff prepare talking points including the history of life flight and other statistics to the areas of concern to speak with authority and not just anecdotally.

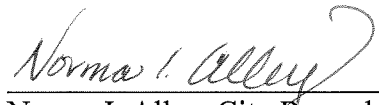
VOTE: To draft the letter to ODOT. (6 Yes/1 No [Andrews]) Motion carried.

Mayor Andrews said he will be on the phone tomorrow with ODOT's area manger regarding this particular issue and he is concerned with pushing too hard. He felt the situation takes finesse and was concerned with putting ODOT on the defensive.

X. ADJOURNMENT


The meeting adjourned at 9:53 PM.

ADOPTED by the Newberg City Council this 20th day of December, 2010.



Norma I. Alley, City Recorder

ATTEST by the Mayor this 23rd day of December, 2010.



Bob Andrews, Mayor